IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4118 OF 2004

Sou.Lilabai Popatrao Kalbhor ..Petitioner.

Vs.

Special Land Acquisition Officer
No.22, Pune & Ors. ..Respondents.

....

Mr.N.C.Walimbe for the Petitioner.

Mrs.M.P.Thakur, AGP for Respondent Nos.1 to 3.

....

CORAM : F.I.REBELLO, J. AND

DR.D.Y.CHANDRACHUD, J.

16th January, 2006.

P.C. :

The letter dated 11th November, 1992 would indicate that the Petitioner was aware atleast as on that date that the land had been acquired and an award had been passed. The Petitioner thereafter applied under Section 48(1) for deletion of the

land from acquisition on which a finding has been recorded that the possession of the land has been taken and consequently the application is not maintainable.

The Petitioner by the present Petition has challenged the award. Once a declaration under Section 6 has been issued and that has not been challenged, the challenge to the award which has been passed in terms of the judgment of the Apex Court in Municipal Council, Ahmednagar and anr. v. Shah Hyder Beig and Ors. (AIR 2000 SC 671) would not be maintainable. Considering the above, this Petition is not maintainable and is rejected.

(F.I.REBELLO, J.)

(DR.D.Y.CHANDRACHUD, J.)